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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/703,623      | 11/02/2000  | Erik Nikkanen        | 00322-0003          | 2793             |

7590 08/20/2002

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|                    |              |
|--------------------|--------------|
| EXAMINER           |              |
| EICKHOLT, EUGENE H |              |
| ART UNIT           | PAPER NUMBER |

2854

DATE MAILED: 08/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

|  |                                      |                                       |
|--|--------------------------------------|---------------------------------------|
| <b>Offic Action Summary</b>  | <b>Applicati n No.</b><br>09/703,623 | <b>Applicant(s)</b><br>NIKKANEN, ERIK |
|  | <b>Examiner</b><br>Eugene H Eickholt | <b>Art Unit</b><br>2854               |
| <i>-- Th MAILING DATE of this communicati n appears on the cover sheet with th correspondence address --</i>   |                                      |                                       |
| <b>Period for Reply</b>  |                                      |                                       |
| <b>A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>30</u> <sup>DAY5</sup> (S) FROM THE MAILING DATE OF THIS COMMUNICATION.</b>  |                                      |                                       |
| <ul style="list-style-type: none"> <li>- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.</li> <li>- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.</li> <li>- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.</li> <li>- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).</li> <li>- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</li> </ul> |                                      |                                       |
| <b>Status</b>  |                                      |                                       |
| 1) <input type="checkbox"/> Responsive to communication(s) filed on _____.   |                                      |                                       |
| 2a) <input type="checkbox"/> This action is <b>FINAL</b> .                    2b) <input type="checkbox"/> This action is non-final.   |                                      |                                       |
| 3) <input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.  |                                      |                                       |
| <b>Disposition of Claims</b>   |                                      |                                       |
| 4) <input checked="" type="checkbox"/> Claim(s) <u>1-14</u> is/are pending in the application.   |                                      |                                       |
| 4a) Of the above claim(s) _____ is/are withdrawn from consideration.   |                                      |                                       |
| 5) <input type="checkbox"/> Claim(s) _____ is/are allowed.   |                                      |                                       |
| 6) <input type="checkbox"/> Claim(s) _____ is/are rejected.  |                                      |                                       |
| 7) <input type="checkbox"/> Claim(s) _____ is/are objected to.   |                                      |                                       |
| 8) <input checked="" type="checkbox"/> Claim(s) <u>1-14</u> are subject to restriction and/or election requirement.  |                                      |                                       |
| <b>Application Papers</b>  |                                      |                                       |
| 9) <input type="checkbox"/> The specification is objected to by the Examiner.  |                                      |                                       |
| 10) <input type="checkbox"/> The drawing(s) filed on _____ is/are: a) <input type="checkbox"/> accepted or b) <input type="checkbox"/> objected to by the Examiner.<br>Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).   |                                      |                                       |
| 11) <input type="checkbox"/> The proposed drawing correction filed on _____ is: a) <input type="checkbox"/> approved b) <input type="checkbox"/> disapproved by the Examiner.<br>If approved, corrected drawings are required in reply to this Office action.  |                                      |                                       |
| 12) <input type="checkbox"/> The oath or declaration is objected to by the Examiner.   |                                      |                                       |
| <b>Priority under 35 U.S.C. §§ 119 and 120</b>   |                                      |                                       |
| 13) <input type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).   |                                      |                                       |
| a) <input type="checkbox"/> All b) <input type="checkbox"/> Some * c) <input type="checkbox"/> None of:<br>1. <input type="checkbox"/> Certified copies of the priority documents have been received.<br>2. <input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____.<br>3. <input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).<br>* See the attached detailed Office action for a list of the certified copies not received.   |                                      |                                       |
| 14) <input checked="" type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).<br>a) <input type="checkbox"/> The translation of the foreign language provisional application has been received.   |                                      |                                       |
| 15) <input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  |                                      |                                       |
| <b>Attachment(s)</b>   |                                      |                                       |
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____.<br>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                    5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)<br>3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.                    6) <input type="checkbox"/> Other: _____.   |                                      |                                       |

Art Unit: 2854

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-7, drawn to an ink transfer system, classified in class 101, subclass 350.1.
- II. Claim 8, drawn to a method of metering ink, classified in class 101, subclass 485.
- III. Claims 9-14, drawn to a metering blade, classified in class 15, subclass a metering blade.

Inventions I and III are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because of the presence of evidence claims. See MPEP 806.05(c), example 3. The subcombination has separate utility such as the metering blade may be used to meter many types of fluids, i.e. paints, glue, solvents etc.

Inventions I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the process may be practiced by hand.

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Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II and III, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application.

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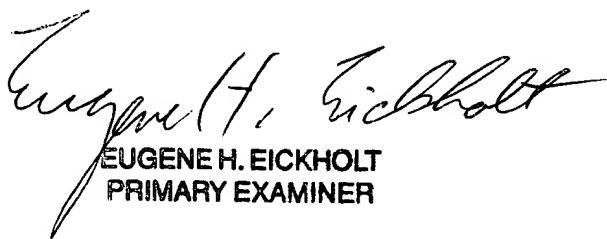
Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).

A shortened statutory period of 30 days is set to respond.

Any inquiry concerning the specifics of this communication should be directed to Examiner Eickholt, who can be reached Tuesday through Thursday. Inquiries of a general nature should be directed to the TC2800 receptionist.

Contact numbers:

|                      |              |
|----------------------|--------------|
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EUGENE H. EICKHOLT  
PRIMARY EXAMINER